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STATE OF NH
JOINT BOARD

STATE OF NEW HAMPSHIRE

MERRIMACK SS.

CONCORD DISTRICT COURT

Docket No. 05-SC-227

STATE OF N.H. BOARD OF FORESTERS

v.

SHAWN HATHAWAY

ORDER

The Court having conducted a hearing on the merits on June 10th 2005 and having reviewed the submitted material provided after hearing makes the following findings and rulings:

1. RSA 310-A:98 et seq. requires that anyone that "offers to practice for compensation in this state, the profession of forester as defined in this subdivision, or advertise any title or description tending to convey the impression that such person is a forester unless such a person has been duly licensed..."

2. On or about November 30, 2004 the defendant authored a solicitation to Forest Futures Corp. by letter of the same date. Within that letter the defendant states inter alia "I am a licensed Forester in Massachusetts and New Hampshire and have been in the forest management business for 25 years." The defendant admits to the mailing of the letter, but places the blame of the language clearly indicating a license in N.H. as the error of his secretary. The doctrine of respondeat superior is obvious here and the defendant is responsible for the actions of his employee especially where careful proof reading would have caught the obvious language that exceeds impression and misstates a material and existing fact.

Preponderance of the evidence that the content of defendant's letter of November 30, 2004 violated RSA 310-A:98 and under the administrative rules the Board's imposition of a fine of \$500.00 was appropriately assessed.

Judgment for the Plaintiff for \$500.00 plus costs and interest from 3/3/05, and fees as itemized in plaintiff's exhibit #3 (copy enclosed).

The Court apologizes to the parties for the delay in this decision occasioned by health problems encountered by the writer.

August 30, 2005

Date

/s/ Bruce R. Larson

Justice

cc: State of N.H. Board of Foresters
Shawn Hathaway

**JOINT BOARD OF LICENSURE AND CERTIFICATION
STATE OF NEW HAMPSHIRE**

LOUISE LAVERTU
EXECUTIVE DIRECTOR

57 Regional Drive
Concord, N.H. 03301-8518

PROFESSIONAL ENGINEERS
ARCHITECTS
LAND SURVEYORS
FORESTERS
PROFESSIONAL GEOLOGISTS
NATURAL SCIENTISTS

Telephone 603-271-2219
Fax 271-7928 • 271-6990



June 10, 2005

Concord District Court
Quentin J. Blaine
Clerk of Court
32 Clinton Street
Concord, New Hampshire 03301

Docket No. 05-SC-00227

The Board of Foresters requests the Concord District Court order periodic payments by Shaun Hathaway which includes the \$500.00 civil penalty imposed by the Board, and pursuant to Administrative Rule Fors 402.04 the cost of any investigation conducted by the Board as follows:

\$ 16.00 - personal service
\$ 54.00 - mileage
\$ 4.00 - miscellaneous
\$200.00 – Joint Board staff time
\$328.00 Total Expenses

\$500.00 Administrative Fine

\$828.00 Total

Thank you for your consideration to this request.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Louise Lavertu", is written over the signature line.

Louise Lavertu
Executive Director

